

# United States Court of Appeals

FOR THE EIGHTH CIRCUIT

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No. 95-3849

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James Santa,

Appellant,

v.

Shirley S. Chater, Commissioner  
of Social Security,

Appellee.

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\* Appeal from the United States

\* District Court for the

\* District of Minnesota.

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\* [UNPUBLISHED]

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Submitted: March 7, 1997

Filed: August 27, 1997

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Before HANSEN, MORRIS SHEPPARD ARNOLD, and MURPHY, Circuit Judges.

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PER CURIAM.

James Santa appeals the district court's<sup>1</sup> decision granting summary judgment to the Commissioner, and affirming the Commissioner's determination that Santa's retirement benefits are subject to the Windfall Elimination Provision (WEP) of the

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<sup>1</sup>The Honorable David S. Doty, United States District Judge for the District of Minnesota, adopting the report and recommendation of the Honorable Raymond L. Erickson, United States Magistrate Judge for the District of Minnesota.

Social Security Act, 42 U.S.C. § 415(a)(7). Having carefully reviewed the record and the parties' submissions, we affirm the judgment of the district court on the basis of the reasons set forth in the magistrate judge's report. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.